

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

RICK JEAN,	)	CASE NO. 7:20-cv-00415
Plaintiff,	)	
	)	
v.	)	
	)	By: Elizabeth K. Dillon
J. SMALLWOOD, <i>et al.</i> ,	)	United States District Judge
Defendants.	)	

**JUDGMENT ORDER**

For the reasons set forth in the accompanying memorandum opinion, it is hereby  
ORDERED that:

1. Plaintiff's motion to amend (Dkt. No. 73) is GRANTED IN PART, only insofar as the court will allow him to limit his claims to his excessive force claims based on the June 6–10, 2019 incident. The court has considered those claims as supplemented by the factual allegations in the amended complaint related to the excessive force used against him on those dates. It is otherwise DENIED.
2. Defendants' request for dismissal (Dkt. No. 74) is GRANTED, and plaintiff's claims will be dismissed.
3. In light of that dismissal, defendants' earlier motion to dismiss or for summary judgment (Dkt. No. 32) is DENIED AS MOOT.
4. Plaintiff's recent motions for appointment of counsel (Dkt. Nos. 77, 78) are also DENIED AS MOOT.

This is a final judgment pursuant to Federal Rule of Civil Procedure 58. The Clerk shall provide copies of this order and the memorandum opinion to the parties.

Entered: December 27, 2022.

*/s/ Elizabeth K. Dillon*  
Elizabeth K. Dillon  
United States District Judge